

ILPA information sheet

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UKBA Family Returns

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The November 2010 “UKBA Family Returns Pilots” information sheet provided information about pilots being conducted by the UK Border Agency in London and the North West to see how it could encourage families to make voluntary returns or remove families without using detention.

This information sheet provides information about the system and process introduced by the UK Border Agency from 1 March 2011 for family returns. The process involves three stages. The stages are the same or very similar to the three stages as they were in the pilots. What has been introduced from 1 March 2011 is largely a roll out of the pilots across the whole of the UK. The UK Border Agency has published policy guidance about family returns, see:

<http://www.ind.homeoffice.gov.uk/sitecontent/documents/policyandlaw/enforcement/oemsectione/capter45?view=Binary>

Previous information sheet

The November 2010 information sheet sets out background information, which is not repeated here. It also sets out information on the first and second stages of the returns process. These are largely unchanged and are not repeated here. However, unlike the previous pilots, the UK Border Agency will not arrange for escorts to be sent to pick up a family at this second stage (‘required return’) as described in the November 2010 information sheet.

Third stage – Ensured Return

This stage is essentially the same as in the pilots but it is now more developed. At this stage, a Family Returns Panel will consider the various options facing the UK Border Agency and advise (but not make decisions) about which of these is appropriate to use in the particular family’s case. The UK Border Agency intends to advertise to recruit members for the panel later in the year. For the time being, an interim panel has been set up. Information about the panel is available at:

<http://www.ukba.homeoffice.gov.uk/aboutus/workingwithus/indbodies/04independent-family-returns/>

The UK Border Agency will present a plan to the panel setting out which of the options (see below) it thinks should be used to ensure the return (departure from the UK) of the family. It is yet to be decided whether the information put to the panel by the UK Border Agency will be made available to the family and whether the family will have an opportunity to put information to the panel. The UK Border Agency intends that the family will not be permitted to appear before or take part in any discussion by the panel; and that the panel’s advice to the UK Border Agency will not be made available to the family.

Currently, the options which may be used to ensure the family's return (departure) are:

- Open Accommodation – this involves moving the family to accommodation near Croydon. The family's movements at this accommodation will not be restricted – so they can come and go from the premises as they wish. If the family refuses to go, any support they are currently receiving may be stopped. This accommodation will be full board (i.e. meals will be provided), and any financial assistance being provided to the family will be stopped. It will only be used for families who have claimed asylum. The maximum time limit on a family's stay in this accommodation is to be 28 days, but generally it is intended that a family will leave the UK within 72 hours of their entering this accommodation.
- Pre-departure Accommodation – this involves moving the family to accommodation, where unlike the 'open accommodation' (see above) the family's movements will be restricted. This will be another form of detention – albeit not in an Immigration Removal Centre, families will be held under detention powers. This accommodation is not yet available. Detailed information on this accommodation is not yet available.
- Escorted Removal – this involves an arrest of the family and transporting the family to the place (usually the airport) for departure from the UK on the day of departure. Families moved to open accommodation or pre-departure accommodation may also expect to be transported to the airport on the day of their departure, so the difference is that families subjected to this 'escorted removal' option will not be moved from where they are living prior to the day of departure.

The UK Border Agency has indicated that it may still consider using any of the following additional measures in conjunction with the options set out above:

- Family Separation – this involves detaining or removing a member or some members of the family before attempting to remove the remaining family members.
- Electronic Monitoring – this involves electronic devices, including devices physically attached to an individual, to monitor the whereabouts of an individual or family.
- Additional Escorts – this simply indicates that in some cases the UK Border Agency may consider using more escorts than in other cases.
- Charter Flights – some families may be returned by specially chartered flights.

The UK Border Agency may give notice of the family's removal in one of the following ways:

- No Notice – if the removal is to take place within 10 days of the date set for the family's self check-in departure (at the second stage, 'required return'), and the UK Border Agency is not satisfied that there were good reasons beyond the family's control for their not leaving on the earlier date, they may be arrested and removed on the same day without prior notice.
- Full Notice – this means that the family will be given at least 72 hours notice of the time and date of their removal.
- Limited Notice – this means that the family will be given at least 72 hours notice of their removal, but will not be told the time and date it is to take place. They may be arrested and removed on the same day at any time between 72 hours and 21 days from receiving notice of their removal.

Exceptions to the process described here

The return of some families may not be conducted in the way described here, and some of these families may be detained. This may include:

- where the UK Border Agency had already begun steps to remove the family before the introduction of the new process (i.e. before 1 March 2011)
- where the UK Border Agency considers that the family, or a family member, presents a risk of serious harm to the public, other families facing removal or to themselves
- where the family has been refused entry to the UK on arrival at an airport or seaport